

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 DHA-05 CIAE-00 DODE-00 PM-05 H-02
INR-07 L-03 NSAE-00 PA-02 PRS-01 SP-02 SS-15
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O 210607Z OCT 77
FM AMEMBASSY BELGRADE
TO SECSTATE WASHDC IMMEDIATE 3007

UNCLAS SECTION 1 OF 2 BELGRADE 7212

FOR EUR/RPM AND EUR/SOV FROM USDEL CSCE

E.O. 11652: N/A
TAGS: CSCE, OCON
SUBJECT: BELGRADE CSCE--TEXT OF AMBASSADOR GOLDBERG'S
STATEMENT OCTOBER 20

TRANSMITTED BELOW IS FULL TEXT OF AMBASSADOR GOLDBERG'S
STATEMENT IN BASKET ONE WORKING BODY OCTOBER 20 ON
NON-INTERVENTION IN INTERNAL AFFAIRS AND HUMAN RIGHTS.
BEGIN TEXT

TODAY I PROPOSE, IN ACCORDANCE WITH OUR AGENDA,
TO DEVOTE MY TIME TO A DISCUSSION OF THE SIXTH
PRINCIPLE. BEFORE DOING SO HOWEVER, I THINK IT ONLY
APPROPRIATE, PARTICULARLY MR. PRESIDENT SINCE YOU ARE
IN THE CHAIR, TO COMMENT CONCERNING THE CONSTRUCTIVE
PROPOSAL SUBMITTED IN GENEVA BY YOUR DELEGATION (SWITZERLAND)
WITH REGARD TO THE "DRAFT CONVENTION ON A EUROPEAN SYSTEM
FOR THE PEACEFUL SETTLEMENT OF DISPUTES." THIS IS A
SUBJECT THAT IS OF GREAT INTEREST TO ME AND MY GOVERNMENT.
WE LOOK FORWARD TO WORKING CLOSELY WITH YOUR DELEGATION,
MR. CHAIRMAN, AND OTHERS, WITH REGARD TO THE FORTHCOMING
MEETING OF EXPERTS, AND PROMISE FULL COOPERATION TO ENSURE
A SUCCESSFUL OUTCOME.

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WE HAVE HEARD IN RECENT DAYS AND ALSO TODAY FROM
THE DISTINGUISHED REPRESENTATIVES OF THE SOVIET UNION,
CZECHOSLOVAKIA, THE GERMAN DEMOCRATIC REPUBLIC, AND
BULGARIA THAT WHEN MY DELEGATION AND OTHERS EXPRESS CONCERN
ABOUT REPRESSIVE MEASURES RELATING TO THE FINAL ACT AND LACK
OF IMPLEMENTATION, WE ARE, IN THEIR VIEW, TRESPASSING OVER
FORBIDDEN TERRITORIES AND WE ARE, IN FACT, VIOLATING THE

SIXTH OF OUR PRINCIPLES. MY DELEGATION DISAGREES AND WE SHALL STATE OUR REASONS.

THE DISTINGUISHED REPRESENTATIVES OF THE SOVIET UNION, CZECHOSLOVAKIA, THE GDR AND BULGARIA HAVE RESORTED TO A COMPLETELY UNWARRANTED INTERPRETATION OF PRINCIPLE VI IN THIS ATTEMPT TO AVOID DISCUSSION OF CERTAIN MATTERS UNPALATABLE TO THEM. THEY HAVE ASSERTED THAT VIOLATIONS OF PRINCIPLE VII GUARANTEEING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND THE HUMANITARIAN ASPECTS OF BASKET THREE, ARE BEYOND THE COMPETENCE OF THIS MEETING AND SHOULD NOT BE THE SUBJECT OF DIALOGUE WITH OTHER PARTICIPATING STATES, INCLUDING MY OWN. THIS ARGUMENT IS WITHOUT FOUNDATION, AND REPRESENTS A COMPLETE DISTORTION OF THE LETTER AND SPIRIT OF THE FINAL ACT.

THE FINAL ACT CONTAINS A SOLEMN COMMITMENT BY PARTICIPATING STATES TO "REFRAIN FROM ANY INTERVENTION, DIRECT OR INDIRECT, INDIVIDUAL OR COLLECTIVE, IN THE INTERNAL OR EXTERNAL AFFAIRS FALLING WITHIN THE DOMESTIC JURISDICTION OF ANOTHER PARTICIPATING STATE, REGARDLESS OF THEIR MUTUAL RELATIONS."

IT IS CLEAR FROM THE NEGOTIATING HISTORY OF PRINCIPLE VI, ITS TEXT, AND ESTABLISHED PRINCIPLES OF INTERNATIONAL LAW, THAT THE PROVISIONS OF THE SIXTH PRINCIPLE APPLY TO, AND I QUOTE:

"ARMED INTERVENTION OR THREAT OF SUCH INTERVENTION AGAINST ANOTHER PARTICIPATING STATE;

"ACTS OF MILITARY, POLITICAL, ECONOMIC, OR OTHER
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COERCION;

"DIRECT OR INDIRECT ASSISTANCE TO TERRORIST ACTIVITIES OR TO SUBVERSIVE ACTIVITIES DIRECTED TOWARDS THE VIOLENT OVERTHROW OF THE REGIME OF ANOTHER PARTICIPATING STATE."

NOW THIS IS WHAT PRINCIPLE VI IS ALL ABOUT AND THIS IS NOT SIMPLY A LEGALISTIC INTERPRETATION. THE LANGUAGE OF PRINCIPLE VI IS EXPLICIT, AND THE REASONS UNDERLYING IT ARE ABUNDANTLY CLEAR. PRINCIPLE VI EMBODIES A COMMITMENT BY ALL PARTICIPATING STATES TO ABJURE FROM MILITARY ACTION, USE OF FORCE, AND COERCION IN ORDER THAT PEACE, SECURITY AND COOPERATION IN EUROPE MAY BE ASSURED. AS IS WELL-KNOWN, EUROPE HAS BEEN SUBJECTED ON A NUMBER OF OCCASIONS SINCE THE END OF THE SECOND WORLD WAR, AND EVEN WITHIN LESS THAN HALF A DECADE OF THE CONVENING OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE IN 1972, TO ARMED INTERVENTION ACROSS INTERNATIONAL BORDERS. THE FINAL ACT HAS LANGUAGE DESIGNED TO FORESTALL SUCH ACTIONS IN THE FUTURE SO THAT WE SHALL NEVER AGAIN SEE A LARGE COUNTRY IMPOSE ITS WILL BY FORCE UPON A SMALL COUNTRY. WHEN THE UNITED STATES DELEGATION AND OTHER DELEGATIONS RAISE QUESTIONS ABOUT THE PERFORMANCE OF OTHER STATES, WITH REFERENCE TO ALL SECTIONS OF THE FINAL

ACT, AS THEY DID YESTERDAY IN REFERRING TO THE PRAGUE TRIAL AND REPRESSION OF INDIVIDUALS IN THE SOVIET UNION AND CZECHOSLOVAKIA SEEKING IN A PEACEFUL WAY TO MONITOR THEIR COUNTRIES' IMPLEMENTATION, THEY ARE DOING SO IN FULL CONFORMITY WITH THE ACT, AND ARE IN NO WAY VIOLATING PRINCIPLE VI OR ANY OTHER PRINCIPLE. ON THE CONTRARY, THEY ARE FULFILLING THEIR OBLIGATIONS UNDER THE FOLLOW-UP PROVISIONS OF THE FINAL ACT AND IN ALL FIDELITY TO THE CORRECT INTERPRETATION OF PRINCIPLE VI.

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O 210607Z OCT 77

FM AMEMBASSY BELGRADE
TO SECSTATE WASHDC IMMEDIATE 3008

UNCLAS SECTION 2 OF 2 BELGRADE 7212

IN OUR DEBATE EARLIER THIS WEEK, THE SIGNATORY STATES I HAVE MENTIONED HAVE GONE SO FAR AS TO CLAIM THAT THEY SHOULD BE THE SOLE JUDGE OF HOW WELL THEY ARE FULFILLING THEIR FINAL ACT COMMITMENTS AND THAT THEREFORE THEY MAY REFUSE TO ENGAGE IN A SUBSTANTIVE DIALOGUE IN RESPONSE TO EXPRESSIONS BY DELEGATIONS OF CONCERN AND CRITICISM. THE ADOPTION OF SUCH AN ATTITUDE WOULD COMPLETELY FRUSTRATE THE CONSTRUCTIVE WORK OF THIS CONFERENCE, AND REDUCE IT TO A MEETING IN WHICH WE ARE ENGAGED IN MERE PLATITUDES. IF PROGRESS IS TO BE MADE, THIS ATTITUDE, THIS APPROACH, CANNOT BE ACCEPTED BY THIS CONFERENCE.

MOREOVER, NO STATE, PARTY TO THE HELSINKI ACCORD, CAN CHOOSE A SENTENCE OUT OF CONTEXT TO DISTORT THE MEANING OF PRINCIPLE VI OR OF ANY PART OF THE FINAL ACT. NO STATE CAN QUOTE A WORD OR TWO FROM THE PREAMBLE AND IGNORE THE REST OF THE PREAMBLE WHICH, AMONG OTHER THINGS, IS DESIGNED TO "PROMOTE FUNDAMENTAL RIGHTS, ECONOMIC AND SOCIAL PROGRESS, AND WELL-BEING FOR ALL PEOPLES." NO STATE CAN, IN FIDELITY TO THE FINAL ACT, ABJURE ITS COMMITMENT TO OBSERVE AND HONOR THE HUMAN RIGHTS PROVISIONS OF THE ACT.

ALL STATES HERE ARE RAISING THEIR VOICES AT THE UNITED NATIONS AGAINST THE APPLICATION OF INFAMOUS APARTHEID

LAWS IN SOUTH AFRICA, BY MEANS OF ARREST, OFFICIAL HARRASSMENT
AND TRIALS. I HEARTILY APPROVE OF THESE PROTESTS AT THE UN,
BASED UPON THE UN CHARTER AND I AM CONFIDENT THAT ALL DELEGATES
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JOIN WITH ME IN WHAT I HAVE JUST SAID. THIS EXAMPLE VIVIDLY
ILLUSTRATES THAT DOMESTIC LAWS MUST, UNDER GIVEN
CIRCUMSTANCES AND ESTABLISHED PRINCIPLES OF INTERNATIONAL LAW,
GIVE APPROPRIATE RECOGNITION TO SOLEMN INTERNATIONAL COMMITMENTS.

THE DISTINGUISHED DELEGATES OF THE SOVIET UNION,
CZECHOSLOVAKIA AND OTHER EAST EUROPEAN COUNTRIES HAVE
ARGUED THAT PERSONS MONITORING THE FINAL ACT IN THEIR
COUNTRIES HAVE VIOLATED NATIONAL LAWS BY PROMOTING THE
FREE FLOW OF INFORMATION, A RIGHT GUARANTEED BY THE
FINAL ACT. HOWEVER, THE FINAL ACT ITSELF ENDORSES THE
FREE FLOW OF INFORMATION AND THEREFORE SUCH ACTIVITIES
ARE A LEGITIMATE SUBJECT OF INTERNATIONAL CONCERN, AND
A MATTER FOR DIALOGUE HERE. AND ARRESTS, HARASSMENT,
TRIALS AND IMPRISONMENT FOR SUCH ACTIVITIES ARE MATTERS OF OUR
LEGITIMATE CONCERN.

FURTHERMORE, THE FINAL ACT STATES EXPLICITLY THAT
PARTICIPATING STATES WILL ACT IN CONFORMITY WITH THE PURPOSES
AND PRINCIPLES OF THE UNITED NATIONS CHARTER, WHICH IN ITS
PREAMBLE "REAFFIRMS FAITH IN FUNDAMENTAL HUMAN RIGHTS AND IN
THE DIGNITY AND WORTH OF THE HUMAN PERSON." ADDITIONALLY,
ARTICLE 55 OF THE CHARTER EMBODIES "UNIVERSAL RESPECT FOR AND
OBSERVANCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL
WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION."
I NEED SCARCELY REMIND YOU THAT THE UNITED NATIONS CHARTER IS
A DOCUMENT TO WHICH ALL OF US HAVE SUBSCRIBED. AND THE
UNIVERSAL DECLARATION OF HUMAN RIGHTS IS AN INTEGRAL AND IMPORTANT
PART OF RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW.

MR. CHAIRMAN, WE MUST KEEP IN MIND THAT THE FINAL
ACT IS A BALANCED, INDIVISIBLE WHOLE. NO STATE CAN LEGITIMATELY
USE PRINCIPLE VI TO NEGATE ANY OF THE OTHER IMPORTANT PROVISIONS
OF THE FINAL ACT. THIS WOULD BE AN OUTRIGHT REPUDIATION OF THE
SOLEMN UNDERTAKINGS WE ALL MADE AT HELSINKI. WE MUST NOT
ALLOW THIS TO HAPPEN.

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FINALLY, MR. CHAIRMAN, WE BELIEVE THAT THE SIXTH
PRINCIPLE CANNOT AND MUST NOT BE USED TO AVOID A DIALOGUE
ABOUT MATTERS THAT ARE OF THE DEEPEST CONCERN TO ALL OF
US AND THAT GO TO THE VERY HEART OF OUR ABILITY TO KEEP THE
CSCE PROCESS ALIVE AND MOVING TOWARD THE ULTIMATE
IMPLEMENTATION OF ALL OF THE PROVISIONS OF THE FINAL ACT.

THE FINAL ACT REFERS TO PEOPLE AND THE RIGHTS OF
PEOPLE. THIS IS ONE OF THE GREAT FEATURES OF THE FINAL ACT.
IF A FELLOW DELEGATE EXPRESSES CONCERN AND CRITICISM OF THE
PERFORMANCE OF MY COUNTRY UNDER THE TERMS OF THE FINAL ACT,
WHEN I THINK THAT THIS CRITICISM IS UNJUSTIFIED I SHALL SAY
SO. WHEN I THINK THE MATTERS ARE JUSTIFIED, I SHALL SAY SO,
AND COMMIT MY COUNTRY UNDER OUR CONSTITUTIONAL PROCESSES
TO DO BETTER. I HOPE THAT IN THIS SPIRIT WE CAN CONDUCT
OUR DELIBERATIONS WITH CONDOR AND FRANKNESS, AND IN THE
SPIRIT OF DIALOGUE.

TO MAKE SPEECHES AND ISSUE PRONOUNCEMENTS WHILE AVOIDING
REFERENCE TO THE PRAGUE TRIAL WOULD BE A MOCKERY. WE
HAVE ENTRUSTED TO OUR CARE THE QUESTION OF DISCUSSING,
DEBATING AND REVIEWING IMPLEMENTATION OF THE FINAL ACT AND TO
CONSIDER NEW PROPOSALS TO FURTHER THE PROVISIONS OF THE ACT.
WE MUST DO THIS WITH CONDOR AND GOOD WILL, AND MOVE FORWARD TO
IMPROVING THE PROSPECT OF PEACE, COOPERATION AND SECURITY IN
EUROPE. END TEXT.
GOLDBERG

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